

1997-000523

BEFORE THE
STATE COMMITTEE FOR SOCIAL WORKERS
STATE OF MISSOURI

STATE COMMITTEE FOR SOCIAL
WORKERS

Petitioner,

v.

FERYLE COOPER

Respondent.

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MO STATE BOARD
OF ACCOUNTANCY

Case No. 99-1507SW

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER

STATEMENT OF THE CASE

On February 10, 2000, the Administrative Hearing Commission entered its Findings of Fact and Conclusions of Law in the case of State Committee for Social Workers v. Feryle Cooper, Case No. 99-1507SW. In its Findings of Fact and Conclusions of Law, the Administrative Hearing Commission found cause to discipline Respondent's license to practice as a licensed clinical social worker pursuant to §337.630.2(2), RSMo-Cumulative Supp. 1999.

The State Committee for Social Workers (hereinafter the "Committee") has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Findings of Fact and Conclusions of Law. The Findings of Fact and Conclusions of Law of the Administrative Hearing Commission is incorporated herein by reference.

The Committee set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion.

Pursuant to a Notice of Hearing and §§621.110, RSMo 1994, and 337.630.4, RSMo Cumulative Supp. 1999, the Committee held a hearing on June 29, 2000, at Marriott's Tan-Tar-A Resort, Highway KK, Osage Beach, Missouri, to determine the appropriate disciplinary action against Respondent's license. Petitioner was represented by Assistant Attorney General James Ertle. Respondent was present at the hearing and was not represented by legal counsel. Seven (7) members of the Committee were present and participated in the Committee's deliberation, vote, and order.

FINDINGS OF FACT

1. The State Committee for Social Workers ("Committee") is an agency of the State of Missouri, created and established pursuant to §337.622, RSMo Cumulative Supp. 1999, for the purpose of fulfilling the responsibilities set forth in §§337.600 to 337.649, RSMo.

2. Respondent Feryle Cooper is licensed by the Committee as a licensed clinical social worker; License No. SW000813. Respondent's Missouri license is current and was so at all times relevant herein.

3. On February 10, 2000, the Administrative Hearing Commission issued Findings of Fact and Conclusions of Law finding cause to discipline Respondent's license pursuant to §337.630.2(2), which states:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.600 to 337.639 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a clinical social worker; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

CONCLUSIONS OF LAW

4. The Committee has jurisdiction over this proceeding pursuant to §§621.110, RSMo 1994, and 337.630.4, RSMo Cumulative Supp. 1999.

ORDER

THEREFORE, having fully considered all evidence before this Committee, and giving full weight to the Findings of Fact and Conclusions of Law of the Administrative Hearing Commission, it is the ORDER of this Committee that Respondent's ("Licensee's") license as a licensed clinical social worker is hereby

immediately placed on PROBATION for a period of two (2) years. The terms of the probation shall be:

I. MEETINGS WITH THE COMMITTEE

Licensee shall appear before the Committee twice annually, at designated times, during meetings of the Committee or, as designated by the Committee, shall meet with a member of the Committee's professional staff.

II. REQUIREMENTS REGARDING EMPLOYMENT:

A. At each required meeting with the Committee or its designee, Licensee shall submit a notarized summary of Licensee's employment/practice history covering the six (6) month period immediately prior to the meeting. The employment summary shall include the name, address and telephone number of each of Licensee's employers within the previous six (6) months, the period of employment by each and the reason for termination of the employment. If Licensee is in private practice, Licensee shall give the name, address and telephone number of her office and shall provide the Committee with the names, positions and licensure status of all employees of and partners in the practice. Licensee shall include the number of clients under her care, the type of services rendered and shall identify any third party responsible for payment of said services.

- B. If Licensee is unemployed at any time during the period of discipline, Licensee shall instead submit an affidavit, signed before a notary public, stating the period(s) of unemployment.
- C. Licensee shall, at the request of the Committee, execute a release or provide any other authorization necessary for the Committee to obtain records of Licensee's employment and/or billing records during the period of probation.
- D. Licensee shall keep the State Committee for Social Workers informed of her current place of employment or of any changes in her place of employment by notifying the Committee within ten (10) working days of such a change.
- E. During the period of probation, Licensee may not serve as a supervisor for any other licensed professional, social work trainee, social work intern, or any person undergoing supervision for purposes of obtaining licensure as a social worker.

III. REQUIREMENTS REGARDING CONTINUING EDUCATION

Licensee shall obtain continuing education units or hours, acceptable to the Committee, in the area of ethics during the first twelve (12) months of probation. Licensee should inform the Committee, in writing, of any course(s) being considered prior to enrollment. It is the sole responsibility of Licensee to obtain prior approval of any course or

program of study undertaken for purposes of meeting this requirement. Licensee shall submit documentation/certification of her attendance at the program or course; the documentation shall include a pamphlet, brochure, syllabus, course description or other materials which indicate the content of the course within six (6) weeks of the conclusion of the first twelve (12) months of probation. Licensee shall also submit additional reports at other times, as requested by the Committee, to further document compliance with this requirement. Failure to obtain the required continuing education and/or submit the required documentation to the Committee within the time prescribed by this Order will result in a violation of the terms of discipline.

IV. GENERAL REQUIREMENTS

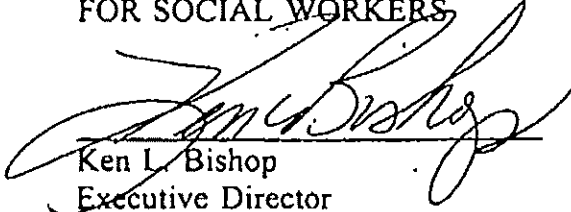
- A. Licensee shall meet with the Committee or its representatives at such times and places as required by the Committee after notification of a required meeting.
- B. Licensee shall immediately submit documents showing compliance with the requirements of this Order to the Committee when requested.
- C. Licensee shall inform the Committee within ten (10) days of any change of home address or home telephone number.
- D. Licensee shall not violate any provision of §§337.600 to 337.649, RSMo, any rules or regulations duly promulgated by the State Committee for

Social Workers, nor any state or federal criminal laws and shall not allow her clinical social work license to lapse.

- E. The terms of discipline apply even if Licensee places her license on inactive status.
- F. If Licensee fails to comply with the terms of this Order, in any respect, the Committee may impose such additional or other discipline as the Committee deems appropriate.
- G. Upon expiration of the period of probation, Licensee's license as a licensed clinical social worker in Missouri shall be fully restored, provided all provisions of this Order have been satisfied.
- H. If the State Committee for Social Workers determines that Licensee has violated a term or condition of her discipline, or has otherwise failed to comply with the provisions of §§ 337.600 to 337.649, RSMo, which violation would be actionable in a proceeding before the State Committee for Social Workers, the Administrative Hearing Commission or a Circuit Court, the State Committee for Social Workers may elect to pursue any lawful remedies or procedures afforded to it, and is not bound by this Order or its remedies concerning such violation.

SO ORDERED EFFECTIVE THIS 14 day of July, 2000.

STATE COMMITTEE
FOR SOCIAL WORKERS


Ken L. Bishop
Executive Director